

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 21ST FEBRUARY 2007 / 2ND PHALGUNA 1928

WP(C).No. 22127 of 2004(H)

PETITIONER:

**BAKAKRISHNAN V.L.,
S/O.LAKSHMANAN, VENATTU HOUSE,
6/212, CHERANALLOOR P.O.,
ERNAKULAM DISTRICT,
(RETD. PEON IN AL-FAROOKHIA HIGH SCHOOL,
CHERANELLUR).**

BY ADV. SRI.P.CHANDRASEKHAR.

RESPONDENTS:

- 1. THE STATE OF KERALA, REP: BY
CHIEF SECRETARY TO GOVT. OF KERALA,
SECRETARIAT, THIRUVANANTHAPURAM.**
- 2. THE ACCOUNTANT GENERAL (A&E),
THIRUVANANTHAPURAM.**
- 3. THE SUB TREASURY OFFICER, PENSION
PAYMENT TREASURY, ERNAKULAM.**
- 4. THE HEADMISTRESS, A1-FAROOKHIA HIGH
SCHOOL, CHERANALLOOR - 682 034.**

W.P.(C). NO.22127/2004:

**5. THE DIST.EDUCATIONAL OFFICER,
ERNAKULAM.**

***ADDL. R6 TO 9 IMPEADED:**

**6. KERALA STATE FINANCIAL ENTERPRISES LTD.,
KACHERIPADY BRANCH, ERNAKULAM,
REP. BY ITS MANAGER.**

**7. ALUVA DESABHIVADHINI SERVICE CO-OPERATIVE
BANK LTD. NO. 946, ALUVA, REP. BY ITS SECRETARY.**

**8. ERNAKULAM URBAN CO-OPERATIVE SOCIETY LTD. NO. 7,
ERNAKULAM, REP. BY ITS SECRETARY.**

**9. THAYIKKATUKARA SERVICE CO-OPERATIVE BANK LD. NO. E 761,
THAYIKKATUKARA, ALUVA.**

***ARE IMPEADED AS ADDL. RESPONDENTS 6 TO 9 AS PER ORDER
DTD. 24/09/2004 IN W.P.(C). NO. 22127/2004.**

**BY ADV. SRI.S.P.ARAVINDAKSHAN PILLAY,
SRI.K.A.BALAN,
GOVERNMENT PLEADER
SRI.R.SURESHKUMAR FOR R4,
SRI.LIFFY P. FRANCIS FOR R7 & R9,
SRI.K.M.MOHAMMED KUNHI FOR R8,
SRI.RAJU JOSEPH, ADDL.SC.,KSFE LTD. FOR R6.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 21/02/2007,THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

W.P.(C). NO.22127/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE ORDER DTD. 07/02/2004 OF THE R.2.

EXT.P.2: COPY OF THE LETTER DTD. 17/02/2003 FROM THE R.4. TO THE R.5.

EXT.P.3: COPY OF THE LETTER DTD. 15/07/2004 OF ERNAKULAM URBAN CO-OPERATIVE SOCIETY TO THE R.4.

EXT.P.4: COPY OF THE ORDER DTD. 27/04/2004 OF THE DEPUTY DIRECTOR OF EDUCATION, ERNAKULAM .

RESPONDENT'S EXHIBITS:

EXT.R4.A: COPY OF THE LETTER NO. 088/81/97-43 DTD. 22/04/2002 OF THE MANAGER, KERALA STATE FINANCIAL ENTERPRISES LTD., KACHERIPPADY BRANCH, ADDRESSED TO THE DIRECTOR OF PUBLIC INSTRUCTION.

EXT.R4.B: COPY OF THE LETTER NO. 138/2002-2003 DTD. 13/06/2002 OF THE SECRETARY, THE ALUVA D.S.C. BANK LTD. NO. 946.

EXT.R4.C: COPY OF THE LETTER NO. UCS/R/3456/02-03 DTD. 24/07/2002 OF THE SECRETARY-IN-CHARGE E.U.C. SOCIETY LD. NO. 7.

EXT.R4.D: COPY OF THE LETTER FROM THE THAIKKATTUKKARA, S.C.B. LTD. NO. E 761.

EXT.R4.E: COPY OF THE PROCEEDINGS NO. 234/03 DTD. 23/03/2003.

EXT.R7.A: COPY OF THE CONSENT LETTER ISSUED BY THE PETITIONER DTD. 02/12/96.

EXT.R9.A: COPY OF THE CONSENT LETTER OF PETITIONER DTD. 22/07/96.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

W.P.(C) No.22127 OF 2004

Dated 21st February, 2007.

J U D G M E N T

The writ petition is filed mainly with the following prayer :-

“Issue a writ of mandamus or any other appropriate writ order or direction directing the respondents to release and pay to the petitioner the gratuity and D.A. arrears due to him along with interest at the rate of 12% per annum from due date till date of actual payment.”

It is the stand of the respondents 7 to 9 that as per the documents executed by the petitioner in his capacity as surety to various loanees, the amounts are due to be recovered from the petitioner since principal debtors have defaulted. Learned counsel appearing for the Kerala State Financial Enterprises submits that their account has been closed. Learned counsel for the petitioner submits that in the case of respondents 7 to 9 also, the accounts might have been settled by the principal debtors. In the above circumstances, the writ petition is disposed of as follows :-

There will be a direction to the 5th respondent to issue notice to the petitioner and respondents 7, 8 and 9 and ascertain the outstanding liability, adjust such liability from the DCRG due

to the petitioner and issue non-liability certificate for the balance, within two months from the date of production of a copy of the judgment. It will be open to the petitioner to proceed against the principal debtors, on whose account, the petitioner had to suffer.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

W.P.(C)No. of 2002

J U D G M E N T

Dated 21st February, 2007.